

5796. Adulteration and misbranding of wheat shorts. U. S. * * * v. Cape County Milling Co., a corporation. Plea of nolo contendere. Fine, \$20 and costs. (F. & D. No. 8247. I. S. No. 4411-L.)

On June 4, 1917, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Cape County Milling Co., a corporation, Jackson, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 28, 1915, from the State of Missouri into the State of Georgia, of a quantity of an article labeled in part, "Wheat Shorts," which was adulterated and misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it contained pieces of grain and weed seeds which appeared to be ground screenings.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, wheat screenings, had been substituted in part for wheat shorts, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement concerning the article and the ingredients and substances contained therein appearing on the label, to wit, "Shorts," was false and misleading in that it represented that said article was wheat shorts, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that said article was wheat shorts, whereas, in fact and in truth, it was not, but was a mixture of wheat shorts and wheat screenings.

On October 8, 1917, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$20 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*